

Notice of Allowability

Application No.

10/645,795

Examiner

Helene Klemanski

Applicant(s)

TAGUCHI ET AL.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and terminal disclaimer filed July 26, 2005 and interview on November 28, 2005.
2. ☒ The allowed claim(s) is/are 1-3 and 5-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 92605.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


HELENE KLEMANSKI
PRIMARY EXAMINER
GROUP 1700

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on July 26, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Applications No's. 10/368,474 and 10/645,797 has been reviewed and is accepted. The terminal disclaimer has been recorded.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joseph J. Ruch, Jr. on November 28, 2005.

The application has been amended as follows:

Claim 4 has been cancelled.

In claim 5, line 1, the phrase "or 4" has been deleted.

In claim 6, line 1, the phrase "or 4" has been deleted.

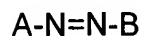
In claim 9, line 2, the phrase "or 4" has been deleted.

In claim 11, line 2, the phrase "or 4" has been deleted.

In claim 12, line 2, the phrase "or 4" has been deleted.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: This application teaches an ink set comprising a plurality of ink different in hues, wherein the plurality of inks included a yellow ink containing a dye of the formula



wherein A and B each independently represent a heterocyclic group which may be substituted having a λ_{\max} of from 390 to 470 nm; an $I(\lambda_{\max} + 70 \text{ nm})/I(\lambda_{\max})$ ratio of not greater than 0.4 and a forced fading rate constant of not greater than 5.0×10^{-2} [hour⁻¹] that is determined as claimed by applicants. The closest prior art of record is U.S. Patent Application Publication No's. 2004/0020408, 2003/0232902 and 2004/0024085, issued to Yabuki, Takahashi et al. and Ishizuka et al. respectively, however, applicants have filed a certified English translation of their foreign priority which entitles them to a date of August 22, 2002 which is earlier than any of the effective filing dates of the above U.S. Patent Application Publication No's. Accordingly, the 102(e) rejections over each of the above references have been overcome.

Applicants should note that the examiner has cited U.S. Patent Application Publication 2004/0066438, issued to Taguchi et al. however no rejections have been made over this reference since the filing date of the above reference is after the filing date of the instant application (i.e. no 102(e) rejection). The only possible rejection would be an obviousness type double patenting rejection and as per MPEP 804, if this is the only remaining rejection the earlier filed application should be passed to issue.

Art Unit: 1755

Applicants should also note that the examiner has cited U.S. Patent Application Publication 2001/0029869, issued to Fujiwara, which teaches an ink jet ink composition comprising a similar dye wherein the ink jet ink composition may be used with other colored inks to form an ink jet ink set but fails to teach or fairly suggest that the dye has a forced fading rate constant of not greater than 5.0×10^{-2} [hour⁻¹] as claimed by applicants. Accordingly, this application is allowable.

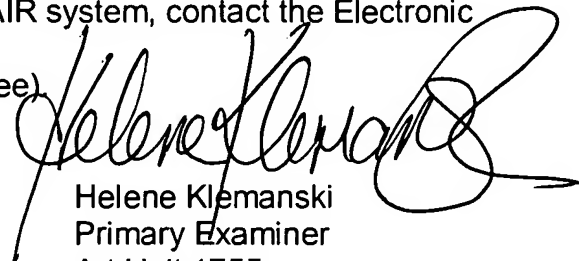
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1755

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Helene Klemanski
Primary Examiner
Art Unit 1755



HK
September 26, 2005